


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

FILED

JUL 29 2014

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

LETITIA CLOUD,
Plaintiffs,

v.

AUDUBON FINANCIAL BUREAU,
Defendant.

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Civil Action No.
DR-13-CV-76-AM/CW

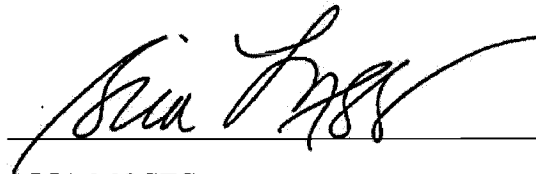
ORDER

Pending before the Court is the Plaintiff's Motion for Entry of Clerk Default. (ECF No. 10.) Under Rule 12 of the Federal Rules of Civil Procedure, the Defendant Audubon Financial Bureau was required to serve a responsive pleading within 21 days after being served with the summons and complaint. Fed. R. Civ. P. 12(a)(1)(A). The Defendant was served on November 26, 2013, yet failed to timely plead or otherwise defend against this suit. The Plaintiff therefore asks that the Court make an entry of default in this case, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

After reviewing the request for entry of default, the Court finds that it should be granted. Rule 55 states, "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). Here, the Plaintiff has submitted an affidavit from her attorney, indicating that service was properly effected. The attorney has also indicated that she mailed a copy of the motion for entry of default to the Defendant.

Because the Defendant has failed to plead or otherwise defend as provided by Rule 55(a), the Court finds that an entry of default is warranted. The Court therefore **GRANTS** the request and hereby **ORDERS** that the Clerk's Office shall enter the default of the Defendant.

SIGNED this 29th day of July, 2014.



ALIA MOSES
UNITED STATES DISTRICT JUDGE